



Grievance Policy



Policy A-HR-16

November 15, 2004
Revised September 24, 2014
Revised December 14, 2017
Revised June 13, 2019

Purpose: To establish and record the process and procedure for addressing a formal grievance(s) as required by 902 KAR 8:160, Section 12. It is our purpose to provide an effective method for an aggrieved party to bring a problem concerning their well-being to the attention of agency management.

Policy: All complainants must pursue resolution informally before submitting a formal grievance. When an employee is faced with a situation that he/she cannot resolve informally, such as speaking with the person involved, if applicable, and/or speaking with his/her direct supervisor or agency management, then he/she may file a formal grievance.

Procedure:

I. Definitions

- A. Grievance – a complaint filed by an employee which concerns some aspect of his/her conditions of employment over which the agency has control and which has been alleged to have occurred or which the employee has become aware of, through the exercise of due diligence, within sixty (60) days prior to filing.

II. Rights

- A. Right to file - an employee who has successfully completed six (6) months of service with the agency and who believes that he/she has been subjected to unfair or unjust treatment concerning his/her conditions of employment may file a grievance.
- B. Right to representation - an employee has the right to have a representative present during interviews with the grievant at each step of the grievance process.
- C. Right to use official time – an employee and other employee(s) investigating or participating in the grievance process have the right to earn compensatory time or overtime as applicable to the employee's exemption status, for investigative processes conducted outside of the normal work hours.
- D. Right to anonymity – an employee has the right to anonymity during the informal complaint process. When a complaint reaches a formal status, the complaint may

be opened to those involved and those who need access to the complaint to achieve resolution.

- E. Freedom from retaliation – employees and their representatives, witnesses, and all other persons involved in the presentation and processing of a grievance must be free from restraint, interference, coercion, discrimination, or retaliation with respect to their participation in the grievance process.

III. Formal grievance

- A. All alleged formal grievance(s) shall be recorded on form A-HR-16(A) and may be completed by the recipient of a verbal or anonymous complaint, or by the alleged aggrieved employee.
 - 1. The form should be submitted either to the immediate supervisor of the employee committing the alleged grievance or to the Grievance Committee within sixty (60) days of the alleged grievance per 902 KAR 8:160, Section 12(3). If the grievance is alleged against the District Director, the form shall be submitted to either the Board of Health Chairperson or the Grievance Committee.
 - 2. Civil Rights and ADA grievances shall be submitted using form A-HR-16(A) within one hundred and eighty (180) days of the alleged grievance as per Federal Regulation.
- B. Contents of Grievance
 - 1. The date the alleged incident occurred.
 - 2. The location at which the alleged incident occurred.
 - 3. The employee or contracted agent against which the complaint is filed.
 - 4. The description of the alleged incident that occurred.
- C. All formal grievances are subject to due diligence and may include investigations, hearings, interviews; fact finding, development/review of written summaries and other techniques deemed necessary and acceptable in the grievance process.
 - 1. Interested and/or affected parties may submit evidence or testimony relevant to the grievance during the investigation.
- D. All federal and state regulations regarding equal employment opportunity shall be adhered to throughout the entire grievance process.

IV. The Grievance Committee

- A. The Grievance Committee shall consist of the District Director and five (5) employees serving as ombudspersons to be convened on an as-needed basis. The Grievance Committee members shall represent the agency departments and be appointed by the District Director. The Representative of the Administrative Department shall be the Human Resources/Personnel Specialist.
- B. In the event a grievance is alleged against a member of the Grievance Committee, that person shall recuse themselves from the committee and be replaced by another employee appointed by the remaining members. If the grievance is alleged against the District Director, he/she shall be replaced on the committee by the Board of Health Chairperson or his/her designee.

- C. Each year, during one (1) of the staff meetings, the Grievance Committee will present a training on the agency's grievance process. New employees shall receive training during orientation.

V. Resolution

- A. A written description of the investigation and a description of the resolution shall be issued and a copy forwarded to the aggrieved employee and the District Director no later than forty-five (45) calendar days after receipt of the formal grievance form.
- B. An aggrieved employee dissatisfied with the resolution may request reconsideration, within thirty (30) calendar days, by the District Director or the Board of Health.

VI. Records

- A. The Personnel Specialist shall maintain a file of all grievances, evidence, and written documentation pertaining to formal grievances filed.

District Director

Date

Chairperson, Three Rivers District Board of Health

Date

Form A-HR-16 (A)

**THREE RIVERS DISTRICT HEALTH DEPARTMENT
GRIEVANCE DOCUMENT**

Name

Employee ID

What is the nature of your grievance?

What have you done to attempt to resolve your grievance?

What do you recommend to resolve your grievance?

Employee signature/Date

Review of Grievance

Date reviewed _____

Signature of Reviewer _____

Decision of Reviewer/Action Taken:

I concur with this decision

I wish to appeal this decision to the next step in the process

Employee signature _____

Date _____

Grievance forwarded to appropriate authority:

Signature/Date _____